IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.14966 of 2008
KANHAIYA JAISWAL
Versus
STATE OF BIHAR & ANR

Cr.Misc. No.17440 of 2008
BINDESHWARIJAISWAL & ANR
Versus
THE STATE OF BIHAR & ANR
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4 16.9.2008. Kanhaiya Jaiswal petitioner in Cr.Misc.No.14966 of 2008 is husband of the complainant. Petitioner no.1 Bindeshwari Jaiswan of Cr.Misc.No.17440 of 2008 is father-in-law of the complainant and petitioner no.2 Savitri Devi is mother-in-law of the complainant. They are apprehending their arrest in connection with Complaint case no.2528 of 2006 registered for offence under Section 498A of the Indian Penal Code and ¾ of Dowry Prohibition Act. There is allegation of demand of dowry and torture against these petitioners.

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On perusal of the impugned order it transpires that the intervention was given by the court and the complainant was asked to accompany her husband and reside in her matrimonial home. Subsequently the complainant made a complaint regarding the torture and also refused to reside in her matrimonial home. It has been submitted that matrimonial case for restitution of conjugal life is pending before the family court in which the complainant is not appearing. Again counsel for the petitioners stated that still the petitioners are ready to give undertaking for all possible comfort to the complainant and full security, if she is agreeable to reside with her husband.

However counsel for the complainant has appeared and stated that the complainant is not ready to go.

Considering this situation no purpose will be served if the petitioners are sent to jail as the chance of conciliation will decline in the pending matrimonial case.

Considering the aforesaid fact prayer for anticipatory bail is allowed. The petitioners namely Kanhaiya Jaiswal in Cr.Misc.No.14966 of 2008 and 1. Bindeshwari Jailwal 2. Savitri Devi in Cr. Misc.No.17440 of 2008 are directed to surrender before the S.D.J.M. East Muzaffarpur within four weeks from today and on their so surrendering they shall be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of S.D.J.M. East Muzaffarpur in connection with Complaint case no.2355 of 2007 subject to the condition as laid down under Section 438(2) Cr.P.C.

The complainant should appear in matrimonial case and the Principal Judge, Family court will take all efforts for reconciliation between the parties.

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(Mridula Mishra, J)

Sss/-